

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA,
ex rel MARC A. LANDSBERG, M.D.,
and SHARON L. BURKE,

Plaintiffs,

v.

PETER G. LEVINSON, M.D.,
LAKE ERIE WOMEN'S CENTER, P.C.,
PATRICK WILLIAM DIESFELD, M.D., P.C.,
3 DIMENSIONAL IMAGING, INC.,
SERHAT ERZURUM, M.D.,
GEORGE H. DENEHY, and DOES I
through XX, inclusive,

Defendants.

2:03cv1429
Electronic Filing

Judge Cercone
Magistrate Judge Hay

 **ORDER**

AND NOW, this 29 day of March, 2006, after the plaintiffs/relators, Marc A. Landsberg, M.D. and Sharon L. Burke, filed an action in the above-captioned case, and after a Motion to Dismiss was submitted by defendants, Patrick William Diesfeld, M.D., P.C., and Patrick William Diesfeld, M.D., and after a Report and Recommendation was filed by the United States Magistrate Judge granting the parties ten days after being served with a copy to file written objections thereto, and no objections having been filed, and upon independent review of the motion and the record, and upon consideration of the Magistrate Judge's Report and Recommendation, which is adopted as the opinion of this Court,

IT IS HEREBY ORDERED that the defendants' Motion to Dismiss [Document No. 23] is DENIED.



DAVID STEWART CERCONE
United States District Judge

cc: Honorable Amy Reynolds Hay
United States Magistrate Judge

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